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Office Supreme Court U. S.
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JAMES H. McKENNEY,
Clerk.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1903.

THE STATE OF MISSOURI, Complainant,
vs.
THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.
} Original No. 4.

COMPLAINANT'S MOTION FOR EXTENSION OF TIME FOR TAKING TESTIMONY.

EDWARD C. CROW,
Attorney-General of Missouri,
SAM B. JEFFRIES,
Assistant Attorney-General of Missouri,
Solicitors for Complainant.

C. W. BATES,
WM. F. WOERNER,
Of Counsel for Complainant.

H. J. HAMLIN,
Attorney-General of Illinois,
JAMES TODD,
Counsel Sanitary District.
Solicitors for Defendants.

JOHN G. DRENNAN,
Of Counsel for Defendants.

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Comes now the complainant, by its Attorney-General, Edward C. Crow, and showing to the Court that certain continuances in the taking of testimony herein have been rendered necessary by reason of the serious illness of the said Edward C. Crow since the last extension by the Court of the time for taking testimony, and showing also, that defendants did not conclude the taking of their testimony until the 29th day of March, 1904, and within two days of the time limit for the taking of testiomny herein.

And showing further, that owing to the said facts above referred to, time in addition to that heretofore granted by the Court will be required to complete the taking of testimony herein, leave first being had therefor, moves the Court further to extend the time for taking of testimony herein until the first day of June, 1904, which said testimony shall thereafter be printed, under the supervision of the Commissioner and returned to the Court, as heretofore provided by a rule of the Court, to the granting of which said motion defendants assent,

as is evidenced by the signatures of their solicitors hereto attached.

EDWARD C. CROW,
Attorney-General of Missouri,
SAM B. JEFFRIES,
Assistant Attorney-General of Missouri,
Solicitors for Complainant.

C. W. BATES,
WM. F. WOERNER,
Of Counsel for Complainant.

H. J. HAMLIN,
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THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

ORIGINAL No. 4.

REPORT OF COMMISSIONER.

As to printing of testimony.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States.

The undersigned Commissioner has the honor to report that, in pursuance of the order of the Court, entered in said cause on the 14th day of December, 1903, wherein it was provided that the record in the above entitled case should be printed under the supervision of the Commissioner, and when so printed the usual number of printed copies should be returned to the Court by the Commissioner, and that said cause should thereafter be

proceeded with upon such printed record, so returned by said Commissioner, as the printed record in said case, there has been printed under his supervision the testimony taken by him and heretofore filed by him in said cause, and he has this day deposited 25 copies of said testimony, so printed as aforesaid, with James H. McKenny, Esquire, Clerk of the Supreme Court of the United States.

That under the authority granted by said order of the Court, the undersigned from time to time furnished the printer designated by complainant with consecutive parts of the original record; that the printer thereupon prepared a proof of the part furnished him, which he returned with said portion of the original record, and the undersigned thereupon compared said proof with the original record, until when produced it was a literal reproduction of said original record, and as deposited with this clerk said printed record is word for word a copy of the original 13,160 pages of manuscript, which, as printed, consists of 7,975 pages contained in eight volumes.

That none of the exhibits filed in the case has been reproduced.

There has also been deposited with the Clerk of the Court an index of the evidence showing the volume and page of both the original and printed records, upon

which the evidence is found; also an alliterated index of the names of the witnesses and the pages of their testimony; also an index of the exhibits and the name of the witness to whose testimony they were offered as exhibits.

That by agreement between counsel for complainant and the Commissioner, his compensation for supervising the printing of the record, as aforesaid, is to be settled by the Court.

Wherefore the undersigned prays the Court to fix the amount of his said compensation.

Respectfully submitted,

FRANK S. BRIGHT,
Commissioner.

May 29, 1905.

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Supreme Court of the United States.

THE STATE OF MISSOURI, Complainant,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO.

ORIGINAL No. 4.

REPORT OF COMMISSIONER.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States.

The undersigned Commissioner, appointed by an order entered in the said cause on November 17, 1902, to take and return such evidence as the parties to said cause should produce, respectfully reports to the Court that pursuant to the said order and the stipulation of counsel of the said parties, he opened the Commission conferred on him in the chambers of the City Counselor, in the City Hall, in the City of St. Louis, Missouri, February 17, 1903, at ten o'clock A. M., and, the parties to the cause being present by their respective counsel, proceeded to execute the said commission on that day and on the subsequent days, and at that place and at the

other places indicated in the record, until the 28th day of May, 1904, when the said commission was declared closed without day.

That said commission was executed by receiving the testimony of the witnesses named in it, who were sworn to testify to the truth, the whole truth, and nothing but the truth, before giving their evidence, and the testimony so given by them was taken down word for word by a stenographer in the presence of the undersigned, and, when transcribed, read over to the said witnesses respectively (or read over by them) and signed by them, respectively, in the presence of the undersigned and the respective counsel (except as otherwise appears in the testimony), and, further, by receiving the documents, maps, charts, materials, and diagrams produced and offered in evidence as exhibits by the parties to the said cause, and designated and marked as appears in the record, all being identified by the signature of the undersigned as Commissioner, which said evidence is all the evidence that was offered before him by the parties to the said cause, and is contained in eight bound volumes filed herewith, marked with the title of the cause and consisting of 13,160 pages of typewritten evidence, and in said exhibits.

That the Commissioner has deposited said testimony with James H. McKenny, Esquire, Clerk of the Supreme Court of the United States, and has filed all said exhibits, so marked as aforesaid, with the said James H. McKenny, except complainant's exhibits 14, 16, 18, 19, 20, 43, and 45, and defendants' exhibits Jordan A, B, C,

and D; Randolph's B, and Spencer's A, B, and C, which have been filed with the marshal of the Supreme Court under the provisions of the 33d rule.

The Commissioner has also filed herewith a table of witnesses examined and the pages at which their testimony may be found; an alliterated index of the names of the witnesses and the page at which their testimony is found; also an index of said exhibits showing the pages of the record on which they were offered; also a description of said exhibits by serial numbers; also an itemized statement of the expenses of the Commissioner, as required by the said order of the Court, said statement being filed with the Clerk of the Court, the amount covered thereby having been paid in equal portions by the parties to said cause.

The Commissioner was engaged in going to, attendance upon and returning from the hearings of the testimony and in preparing the record to be returned to the Court four hundred and fifty-five days, for which, by the rule of the Court, he was to be paid in equal parts by complainant and defendants at the rate of twenty dollars per day. The share of said compensation due by defendants has been paid in full and that part unpaid by the complainant has been assured to the Commissioner.

Respectfully submitted,

FRANK S. BRIGHT,

Commissioner.

May 29, 1905.

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ORIGINAL NO. 4.

THE STATE OF MISSOURI, Complainant,

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THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

HERBERT S. HADLEY,
Attorney-General of Missouri.
CHAS. W. BATES,
City Counselor of St. Louis, and
SAM B. JEFFRIES,
Solicitors for Complainant.

W. T. STEAD,
Attorney-General of Illinois.
H. J. HAMLIN,
Solicitor for State of Illinois.
JAMES TODD and JOHN G. DRENNAN,
Solicitors for Sanitary District of Chicago.

THE HUGH STEPHENS PRTG. CO., JEFFERSON CITY.

IN THE

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ORIGINAL NO. 4.

THE STATE OF MISSOURI, Complainant,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

MOTION.

Now comes the complainant, by its Attorney-General, Herbert S. Hadley, and moves the Court to set the above entitled cause for hearing at a day to be named by the Court in the October term, 1905.

That an order shall be entered that the case be heard upon the pleadings, the evidence taken by the respective parties, and the briefs of the respective parties.

That the briefs of the complainant shall be filed with the Clerk of the Court, and copies thereof shall be served upon the solicitors of each of the defendants not later than the 30th day of August, 1905.

That reply briefs of defendants shall be filed with the Clerk of the Court, and copies thereof served upon the solicitors for complainant not later than the 15th day of October, 1905; and that complainant's reply brief shall be filed

with the Clerk, and copies served on defendants' solicitors not later than one week before the day set by the Court for the hearing of the cause.

That complainant's exhibits Nos. 1 to 13, both inclusive, Nos. 21 and 22, and the charts prepared by Professor Keizer, Nos. 23 to 35, both inclusive, and all of Professor Teichman's charts, Nos. 52 to 70, both inclusive, shall be withdrawn by complainant and reproduced, and when reproduced copies thereof shall be served upon the defendants solicitors, the same to be done on or before the date of the filing of complainant's brief as hereinabove set forth: Provided, however, that any or all of complainant's exhibits not heretofore printed may be withdrawn and reproduced in accordance with the terms hereof.

To the granting of all of which said motion defendants assent, as is evidenced by the signatures hereto of their respective solicitors.

HERBERT S. HADLEY,
Attorney-General of Missouri.
CHAS. W. BATES,
City Counselor of St. Louis, and
SAM B. JEFFRIES,
Solicitors for Complainant.

W. T. STEAD,
Attorney-General of Illinois.
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